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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

December 23, 2008

S0450075  
cc: ~~TRAB~~ Leslie  
TASK 2608

CERTIFIED RETURN RECEIPT  
7005 2570 0000 4801 7079

Gary Burningham  
95 North 200 East  
American Fork, Utah 84003

Subject: Withdrawal of Notice of Intention to Commence Small Mining Operations, Gary Burningham, Aluminum King #4 Mine, S0450075, Tooele County, Utah

Dear Mr. Burningham:

Pursuant to UCA 40-8-16(b) and R647-3-111.1.11, effective immediately, the acceptance of your Notice of Intention to Conduct Small Mining Operations for the Aluminum King #4 Mine (S0450075) is withdrawn. You no longer have authority to conduct mining related activities or removal of product from the site.

The Division is taking this action at this time since you have failed to provide the required reclamation surety for this site and you have not remitted the required annual permit fee. This action does not negate any obligation you may currently have for abating outstanding violations, or payment of assessed civil penalties for violations or cessation orders.

As per UCA 40-8-16(3) and R647-3-111.1.11, you have a right to appeal this Notice of Agency Action and request a formal hearing on the matter. To do so, you must file a written request to appeal within 15 days of your receipt of this notice. Contact Julie Carter, Administrative Secretary, at (801) 538-5277, if you wish to exercise your right to appeal this decision before the Board of Oil, Gas and Mining. She can provide you with appropriate guidance and assistance in preparing your formal Hearing request. Your failure to file such a request may preclude you from further participation, appeal, or judicial review with regard to this action. If you choose not to appeal this proposed Notice of Agency Action, the Division's decision will become final.

If you have any questions regarding this Notice you may contact me at (801) 538-5320, or Paul Baker at (801) 538-5261.

Sincerely,

Dana Dean, P.E.  
Associate Director, Mining

DD:lk:vs

cc: Larry Garahana, BLM-SL Field Office  
Leslie Heppler, DOGM Lead

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Postage	\$	LETTER DATED 12/23/208 WITHDRAWAL ON NOI ALUMINUM KING #4 MINE S0450075
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

GARY BURNINGHAM  
95 NORTH 200 EAST  
AMERICAN FORK, UTAH 84003

PS Form 3800, June 2002

See Reverse for Instructions